



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,741	09/29/2003	Atsushi Mizutome	03500.017621	6742

5514 7590 02/25/2008
FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

LUONG, ALAN H

ART UNIT	PAPER NUMBER
----------	--------------

2623

MAIL DATE	DELIVERY MODE
-----------	---------------

02/25/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/671,741

Applicant(s)

MIZUTOME ET AL.

Examiner

ALAN LUONG

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date Dec 19, 2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. This is the initial Office Action based on the 10/671741 application filed on Sept 29, 2003. Claims 1-41, as originally filed, are currently pending and have been considered below.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4, 12, 19, 22 and 38 are recites the limitation "predetermined guide information" in line 3 of claims 4, 12, 22 and 38; line 4 of claim 19. There is insufficient antecedent basis for this limitation in the claim.

Claims 28, 29, 30, 39, 40 and 41 are recites the limitation "streaming contents preference" in line 5, 8, 10 of claim 28, in line 6, 10, 12 of claim 29, in line 5, 9, 10 of claim 30; line 5, 7, 9 of claims 39, 40, 41 respectively. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2623

5. Claims 1-2, 5-10, 13-20, 23-27, 30, 36-38 and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 6,337,719 (Hereinafter US'719) issued to Cuccia.

Regarding to claim 1. Cuccia discloses a receiving apparatus, comprising:

receiving means (a digital TV receiver; see US'719: Fig. 1, col. 3 lines 23-41) for receiving streaming contents through a network (A plurality of transport streams, e.g. MPEG-2 streams, are received from the either by an antenna 101 or, alternatively, from a cable network; see US'719 Fig. 1, col. 3 lines 23-41);

power detecting means for (Power unit 109; Fig. 1, col. 3 lines 42-54) detecting an instruction of a power off (a remote control unit 110 receives a remote command signal from a user although a receiver is in standby mode) from operation instructing means (the remote control unit 110 sends this command to a micro processor 118; Fig. 1, col. 3 line 65 to col. 4 line 10);

controlling means (a microprocessor 118 of Fig. 1; serves as controlling means; col. 4 lines 11-12) for in response to an output from the power detecting means indicating detection of the power off, controlling the receiving means to periodically receive during the power off the streaming contents that are received by the receiving means immediately before the power off (the microprocessor 118 controls tuner 103, demultiplexer 123, signal processor 104, digital memory 120, timer 119, remote control unit 110 and power unit 109; it conceived to control the tuner 103 in such a way that the

Art Unit: 2623

tuner 103 successively selects all received transport streams; see US'719, Fig. 1, col. 3 line 55 to col. 4. line 55); and

accumulating means (a storage means 120) for accumulating data of the streaming contents (Fig. 1, col. 4 lines 14-26) that are periodically received during the power off (US'719, a flow chart of accumulating EPG information in Fig. 2, col. 5 lines 20-57).

Regarding to claim 2.: Cuccia discloses the controlling means (microprocessor 118; as the controlling means, controls tuner 103, demultiplexer 123, in order to separate, collect and store the second type of information from the streaming contents for future to display) before the power off; Cuccia also discloses metainformation detecting means (the receiving apparatus is characterized in that the second processing means are further conceived to extract an electronic program guide (EPG) from the second type of information)for detecting metainformation of the streaming contents (a EPG information from the second type of information)(see col. 2 lines 5-20).

Regarding to claims 5.: Cuccia also discloses the controlling means includes a timer (119 of Fig. 1) that generates a timing signal at a predetermined period (decoupled state; US'719 col. 1 lines 11-16), and controls the receiving means in response to the timing signal generated by the timer during the power off (US'719 col. 4 lines 39-55).

Regarding to claims 6: Cuccia also discloses the controlling means controls the receiving means to periodically receives predetermined amount of data of the streaming contents (The micro processor 118 is conceived to control the tuner 103 in such a way that the tuner 103 successively selects all received transport streams, if so, for each transport stream selected in this decoupled state, the micro processor 118 checks whether the SI of the transport stream comprises EPG information, then the micro processor 118 conceived to extract and process the second type of information from each selected transport stream; see col. 2 lines 5-33).

Regarding to claims 7, 8: Cuccia explicitly disclose the power detecting means further detects an instruction of a power on (although a TV set is in standby mode but a remote control unit 110 is still powered ON by the power unit 109; receiving an appropriate signal from the remote control; see col. 3 line 65 to col. 4 line 1) and in response to an output indicating detection of the power on, the controlling means (the micro processor 118) reads the data of the streaming contents which is accumulated in the accumulating means (a storage means 120) and outputting the data to a monitor device (the screen 108). See US'791, Fig. 1 col. 4 lines 1- 35)

Regarding to claim 9: Cuccia discloses a receiving apparatus, comprising:
receiving means (a digital TV receiver; see US'719: Fig. 1, col. 3 lines 23-41) for receiving streaming contents through a network (A plurality of transport streams, e.g. MPEG-2 streams, are received from the either by an antenna 101 or, alternatively, from a cable network; see US'719 Fig. 1, col. 3 lines 23-41);

outputting means (Signal processor 104 is controlled by micro processor 118 and switch means 115 accepting command to switch screen 108 ON and OFF; Fig. 1;) for outputting the streaming contents (a first type of information as audio/video signal and a second type of information as EPG information is a particular of stream contents;) to a monitor device (screen 108 in Figs. 1; see US'719 col. 3 line 23 to col. 4 line 10);

detecting means for (Power unit 109; Fig. 1, col. 3 lines 42-54) detecting an instruction of a monitor stop (a remote control unit 110 receives a remote command signal from a user although a receiver is in standby mode) from operation instructing means (the remote control unit 110 sends this command to a micro processor 118; Fig. 1, col. 3 line 65 to col. 4 line 10);

controlling means (a microprocessor 118 of Fig. 1; serves as controlling means; col. 4 lines 11-12) for in response to an output from the power detecting means indicating detection of a monitor stop (the same situation of a receiver in standby mode), controlling the receiving means to periodically receive during the monitor stop the streaming contents that are received by the receiving means immediately before the monitor stop (the microprocessor 118 controls tuner 103, demultiplexer 123, signal processor 104, digital memory 120, timer 119, remote control unit 110 and power unit 109; see US'719, Fig. 1, col. 3 line 55 to col. 4. line 55); and

accumulating means (a storage means 120) for accumulating data of the streaming contents (Fig. 1, col. 4 lines 14-26) that are periodically received during the

monitor stop (US'719, a flow chart of accumulating EPG information when receiver is in standby mode; see Fig. 2, col. 5 lines 20-57).

Regarding to claim 10.: Cuccia discloses the controlling means (microprocessor 118; as the controlling means, controls tuner 103, demultiplexer 123, in order to separate, collect and store the second type of information from the streaming contents for future to display) before the monitor stop (the same situation of a receiver is in standby mode); Cuccia also discloses metainformation detecting means (the receiving apparatus is characterized in that the second processing means are further conceived to extract an electronic program guide (EPG) from the second type of information) for detecting metainformation of the streaming contents (a EPG information from the second type of information)(see col. 2 lines 5-20).

Regarding to claim 13: The same claim 5 ground rejection, see discussion in claim 5.

Regarding to claim 14: The same claim 6 ground rejection, see discussion in claim 6.

Regarding to claims 15, 18. The same claims 7, 8 ground rejections, see discussion in claims 7, 8.

Regarding to claim 16. Cuccia also discloses the instruction of the monitor stop (receiver is in standby mode) is outputted when contents outputted to the monitor device is switched from the streaming contents into other contents than the streaming contents (switching means 115 is controlled by the controlling means 118 after receiving

command user from remote unit 110; switches the power supply to the signal processor 104 and screen 108; when signal processor 104 is powered on; displaying the first type of information as video TV program or displaying the second type of information as EPG information, system information (SI), when is powered off; see Fig. 1, col. 3 line 65 to col. 4 line 24).

Regarding to claim 17. Cuccia further discloses the receiving apparatus according to claim 16 above, further comprising a tuner (tuning means or tuner 103 of Fig. 1) for receiving a television broadcast (a plurality of TV channels), wherein the other contents (the second type of information) include a television broadcast program received by the tuner (a digital television receiver comprises tuning means for receiving a plurality of TV-channels, which carry transport streams comprising vidéo and audio information, constituting the first type of information, as well as system information (SI), constituting the second type of information; col. 1 lines 18-26).

Regarding to claim 19. Cuccia discloses a receiving apparatus, comprising:
receiving means (a digital TV receiver; see US'719: Fig. 1, col. 3 lines 23-41) for receiving streaming contents through a network (A plurality of transport streams, e.g. MPEG-2 streams, are received from the either by an antenna 101 or, alternatively, from a cable network); see US'719 Fig. 1, col. 3 lines 23-41);

controlling means for, based on predetermined guide information related to plural sets of the streaming contents (the plurality of transport streams, e.g. MPEG-2 streams, are received from the either by an antenna 101 or, alternatively, from a cable

network; Fig. 1, col. 3 lines 24-27) controlling the receiving means to periodically receive the plural sets of the streaming contents in parallel (the micro processor 118 further serves as controlling means for controlling the tuner 103 autonomously and as second signal processing means for extracting and processing SI from a selected transport stream. The micro processor 118 is conceived to control the tuner 103 in such a way that the tuner 103 successively selects all received transport streams; Fig. 1, col. 4 lines 11-16) and

accumulating means (storage means 120) for accumulating data of the plural sets of the streaming contents (For each transport stream selected this way, the micro processor 118 checks whether the SI of the transport stream comprises EPG information, and if so, incorporates it in a compound EPG which is stored in the storage means 120; col. 4 lines 16-20) that are periodically received (see Fig. 2 steps 200-207, col. 5 lines 20-57).

Regarding to claim 20. The same claim 2 ground rejection, see discussion in claim 2.

Regarding to claim 23. The same claim 5 ground rejection, see discussion in claim 5.

Regarding to claim 24. The same claim 6 ground rejection, see discussion in claim 6.

Regarding to claim 25. Cuccia further discloses a receiving apparatus according to claim 19, wherein the controlling means starts to receive the plural sets of

the streaming contents at a power on (the micro processor 118 further serves as controlling means for controlling the tuner 103 autonomously and as second signal processing means for extracting and processing SI from a selected transport stream. The micro processor 118 is conceived to control the tuner 103 in such a way that the tuner 103 successively selects all received transport streams in normal mode because the group 102 of Fig. 1 is not effected by the standby mode; col. 4 lines 9-16) .

Regarding to claim 26: Cuccia further discloses a receiving apparatus according to claim 19, comprising outputting means (a signal processor 104 includes video processor 107 and audio processor 105 which processes the video/audio signal, a micro processor 118 takes a remote command from remote unit 110 in order to controls tuner 103 selecting a particular transport stream for demultiplexing at demultiplexer 123; fig. 1 col. 3 lines 32-64); for selectively outputting the streaming contents (the first type of information as video/audio signal) and other contents (the second type of information are SI or EPG information) to a monitor device (screen 108), wherein the controlling means controls the receiving means to periodically receive the plural sets of the streaming contents during a period when the outputting means outputs the other contents to the monitor device (when receiver is in standby mode, a remote control unit 110 sends the command signal to micro processor 118 which controls a switching means 115 in such a way that the signal processor and the screen are still powered; the micro processor sends request to the storage means 120 for retrieving stored information to screen 108; col. 3 lines 58-64).

Regarding to claim 27. Cuccia explicitly discloses a receiving apparatus according to claim 19, wherein the controlling means (micro processor 118) controls the receiving means (tuning means is tuner 103) to periodically receive the plural sets of the streaming contents during a power off of the receiving apparatus (col. 4 lines 11-24).

6. Claim 30 is rejected under 35 U.S.C. 102(b) as being anticipated by US Pub. No. 2001/0010097 (Hereinafter US'097) published by Lee et al..

Regarding to claim 30. Lee teaches a receiving apparatus (a digital broadcast receiver) which receives arbitrarily selected streaming contents through a network by receiving means (a tuner for tuning a received signal through an antenna), and outputs the received streaming contents to a monitor device in an audio visually enjoyable form (an A/V decoding unit for converting the signal received from the TP demux unit into an audio and a video signals; a display unit for displaying the audio and the video signals outputted from the A/V decoding unit on a screen; and a controlling unit for parsing the data signal received from the TP demux comparing and controlling the detected data information and the channel information set by a user, and outputting data information of an active channel in a form suitable to be displayed to the display unit.; see US' 097, Abstract), the receiving apparatus comprising:

estimating means for estimating (a timer key) and determining a streaming contents preference (the ON-Timer setting channel) to be selected from plural sets of the streaming contents (a timer key is provided in the remote controller so as for the user to set the ON-timer channel in person; Fig. 3, ¶0039-¶0041, and Fig. 4, ¶0049-¶0052)

based on a user profile (a category channel list of channels frequently viewed by viewers; see ¶0022, ¶0042-¶0043).

controlling means for (the controlling unit 40), in response to a power on, controlling the receiving means to periodically receive the streaming contents preference determined by the estimating means (under controlled by the controlling unit 40; tuner 10 and TP demultiplexer 20 separate the A/V signal and data signal from received stream contents , TP demux 20 sends the A/V signals to the A/V decoder 30 in parallel with data signal is detected and extracted by the controlling unit 40; store this data in memory 42; see US'097, Fig. 2, ¶0035, ¶0036).

accumulating means (the memory 42) for accumulating data of the streaming contents preference that is periodically received (user sends command to the controlling unit 40 which in compares the input channel to the stored channel information in memory 42, if matching with user request, the input channel will be the active channel and is displayed on display unit 50; ¶0036).

Regarding to claim 36. The same claim 1 ground rejection, see discussion in claim 1.

Regarding to claim 37. The same claim 9 ground rejection, see discussion in claim 9.

Regarding to claim 38. The same claim 19 ground rejection, see discussion in claim 19.

Regarding to claim 41. The same claim 30 ground rejection, see discussion in claim 30.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3, 11 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,337,719 (Hereinafter US'719) issued to Cuccia; in view of Pub. No. 2001/0035917 (Hereinafter US'917) published by Satake et al.

Regarding to claim 3. A receiving apparatus according to claim 2, Cuccia fails to teach wherein the metainformation includes address information indicating a location on the network of a server that distributes the streaming contents.

Satake, the same endeavor, teaches the metainformation (communicative information) includes address information indicating a location on the network of a server (Uniform Resource Locator (URL) in the internet communication service which has been a focus of attention) that distributes the streaming contents (Fig. 3, ¶0035). Therefore, it would have been obvious to a person with ordinary skill in the art at the

time of the invention was made to modify Uniform Resource Locator (URL) in the internet communication service as taught by Satake with a controlling means as taught by Cuccia; in order to allow user identifies and locates the pertinent information and entertainment from a huge volumes of information.

Regarding to claim 11: The same claim 3 ground rejection, see discussion in claim 3.

Regarding to claim 21. The same claim 3 ground rejection, see discussion in claim 3.

9. Claims 4, 12 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,337,719 (Hereinafter US'719) issued to Cuccia; in view of US Patent No. 6,008,802 (Hereinafter US'802) issued to Iki et al..

Regarding to claim 4. A receiving apparatus according to claim 2, Cuccia fails to teach wherein the metainformation detecting means obtains the metainformation from predetermined guide information related to the streaming contents .

Iki, the same endeavor, teaches a control logic 210 generates a target data list and store it in a storage medium 220 for future reference to compare to a received information; US'802, Fig. 2, col. 5 lines 3-9) and the control logic 210 generates a predetermined function to access with a programming guide 215 when the received information matches with one target data on the list ; US'802, Fig. 4, col. 5 lines 35-46) related to the streaming contents (see Fig. 5 col. 5 lines 11-27). Therefore, it would

Art Unit: 2623

have been obvious to a person with ordinary skill in the art at the time of the invention was made to modify the control logic with the target data via the predetermined function as taught by Iki with a receiving apparatus as taught by Cuccia; in order to allow user identifies and locates the pertinent information and entertainment from a huge volumes of information.

Regarding to claim 12: The same claim 4 ground rejection, see discussion in claim 4.

Regarding to claim 22. The same claim 4 ground rejection, see discussion in claim 4.

10. Claims 28, 29, 32-34, 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,337,719 (Hereinafter US'719) issued to Cuccia; in view of US Pub. No. 2001/0010097 (Hereinafter US'097) published by Lee et al..

Regarding to claim 28. Cuccia discloses a receiving apparatus which receives arbitrarily selected streaming contents through a network by receiving means, and outputs the received streaming contents to a monitor device in an audio visually enjoyable form (see discussion of claim 9 rejection), the receiving apparatus comprising:

controlling means (a micro processor 118) for controlling the receiving means (tuner 103 and demultiplexer 123) to periodically receive the streaming contents during a power off (the microprocessor 118 controls tuner 103, demultiplexer 123, signal processor 104, digital memory 120, timer 119, remote control unit 110 and power unit

109; receives a remote command signal from a remote unit 110 although receiver is in standby mode; see US'719, Fig. 1, col. 3 line 55 to col. 4. line 55); and

accumulating means (storage means as the digital memory 120 of Fig. 1) for accumulating data of the streaming contents preference (compound EPG at TrMax indicates the number of transport streams available) that is periodically received (see a flow chart of a possible implementation of the process of scanning transport streams for EPG information, and composing and storing a compound EPG in memory 120; see Fig. 2, col. 5 lines 20-57).

However, Cuccia explicitly fails to disclose estimating means for estimating and determining a streaming contents preference to be selected from plural sets of the streaming contents based on a user profile; and periodically receive the streaming contents preference determined by the estimating means.

Lee, in the setting ON-Timer channel of digital receiver , teaches estimating means for estimating (a timer key) and determining a streaming contents preference (the ON-Timer setting channel) to be selected from plural sets of the streaming contents (a timer key is provided in the remote controller so as for the user to set the ON-timer channel in person; Fig. 3, ¶0039-¶0041, and Fig. 4, ¶0049-¶0052) based on a user profile (a category channel list of channels frequently viewed by viewers; see ¶0022, ¶0042-¶0043). Therefore, it would have been obvious to a person with ordinary skill in the art at the time of the invention was made to modify the setting ON-Timer channel of digital receiver as taught by Lee with a receiving apparatus as taught by Cuccia; in

order to allow user identifies and locates the desired channel for watching without a need to remember channel information.

Regarding to claim 29: Cuccia discloses receiving apparatus which receives arbitrarily selected streaming contents through a network by receiving means, and selectively outputs the received streaming contents and other contents to a monitor device in an audio visually enjoyable form the selected program (see discussion of claim 9 rejection), the receiving apparatus comprising:

accumulating means (storage means as the digital memory 120 of Fig. 1) for accumulating data of the streaming contents preference (compound EPG at TrMax indicates the number of transport streams available) that is periodically received (see a flow chart of a possible implementation of the process of scanning transport streams for EPG information, and composing and storing a compound EPG in memory 120; see Fig. 2, col. 5 lines 20-57).

However, Cuccia explicitly fails to disclose estimating means for estimating and determining a streaming contents preference to be selected from plural sets of the streaming contents based on a user profile and the streaming contents preference determined by the estimating means during a period when the other contents are outputted to the monitor device; and

Lee, in the setting ON-Timer channel of digital receiver , teaches estimating means for estimating (a timer key) and determining a streaming contents preference (the ON-Timer setting channel) to be selected from plural sets of the streaming contents

(a timer key is provided in the remote controller so as for the user to set the ON-timer channel in person; Fig. 3, ¶0039-¶0041, and Fig. 4, ¶0049-¶0052) based on a user profile (a category channel list of channels frequently viewed by viewers; see ¶0022, ¶0042-¶0043).

controlling means for (the controlling unit 40), in response to a power on, controlling the receiving means to periodically receive the streaming contents preference determined by the estimating means (under controlled by the controlling unit 40; tuner 10 and TP demultiplexer 20 separate the A/V signal and data signal from received stream contents , TP demux 20 sends the A/V signals to the A/V decoder 30 in parallel with data signal is detected and extracted by the controlling unit 40; store this data in memory 42; see US'097, Fig. 2, ¶0035, ¶0036) when the other contents are outputted to the monitor device (user sends command to the controlling unit 40 which in compares the input channel to the stored channel information in memory 42, if matching with user request, the input channel will be the active channel and is displayed on display unit 50; ¶0036).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time of the invention was made to modify the setting ON-Timer channel of digital receiver as taught by Lee with a receiving apparatus as taught by Cuccia; in order to allow user identifies and locates the desired channel for watching without a need to remember channel information.

Regarding to claim 32. Lee also teaches the estimating means (the timer key) performs estimation on the streaming contents again when the user profile is renewed (user depresses Up/down on the timer key to match with his/ her renewed channel; US'097, Fig. 5, ¶0050-¶0054).

Regarding to claim 33. Lee also teaches the estimating means (timer key) determines a plurality of the streaming contents preferences (channel list) (see Fig. 5 as a volume of the timer keys; user can select the desired channel or edit channel on OSD; ¶0050- ¶0054) and

the controlling means controls the receiving means to periodically receive the plurality of the streaming contents preferences in parallel (under controlled by the controlling unit 40; tuner 10 and TP demultiplexer 20 separate the A/V signal and data signal from received stream contents, TP demux 20 sends the A/V signals to the A/V decoder 30 in parallel with data signal is detected and extracted by the controlling unit 40; store this data in memory 42; see US'097, Fig. 2, ¶0035, ¶0036).

Regarding to claim 34. Lee further teaches the accumulating means (a memory 42) accumulates data of the plurality of the streaming contents preferences in parallel (tuner 10 receives the TV broadcast signal which contents video, audio signals and data information signal in parallel; the controlling unit 40 includes a DB engine 41 for parsing the data signal provided from the TP demux 20, a memory 42 for storing the data information parsed by the DB engine 41 and a channel manager 43 for comparing and

Art Unit: 2623

controlling the data information detected from the DB engine 41 and the memory 42; US'079, Fig. 2, ¶0021).

Regarding to claim 39. The same claim 28 ground rejection, see discussion in claim 28.

Regarding to claim 40. The same claim 29 ground rejection, see discussion in claim 29.

11. Claims 31 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cuccia and Lee et al.; in view of Iki et al..

Regarding to claim 31. Neither Cuccia nor Lee teaches user profile generating means for generating the user profile based on an audiovisual enjoying history of the streaming contents audiovisual enjoyed on the monitor device.

Iki, the same endeavor, teaches the user profile based on an audiovisual enjoying history of the streaming contents audio visually enjoyed on the monitor device (US'802, Fig. 7 col. 7 lines 6-23). Therefore, it would have been obvious to a person with ordinary skill in the art at the time of the invention was made to modify the user profile based on an audiovisual enjoying history of the streaming contents audiovisual enjoyed on the monitor device as taught by Iki in setting On-timer channel in digital receiver as taught by Cuccia and Lee; in order to allow user watching a desired channel with timer key input from remote control without a need to remember category and channel information.

Art Unit: 2623

Regarding to claim 35. The same claim 31 ground rejection, see discussion in claim 31.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALAN LUONG whose telephone number is (571)270-5091. The examiner can normally be reached on Mon.-Thurs., 8:00am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on (571) 272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. L./
Examiner, Art Unit 4126

/Lun-Yi Lao/
Primary Examiner, Art Unit 2629

